

REMARKS

35 U.S.C. § 112 Rejections

The Examiner has rejected claims 1-3, 5, 9-11, 13, 14 and 18-24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the clarity objections, claims 1 to 3, 5, and 9 to 11 have been amended to be directed to a digital apparatus having a dual data connector. As the digital apparatus is for connection to a host apparatus, the functional relationship is able to be claimed as is commonly done. The host is not part of apparatus claimed.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1-3, 5, 9-11, 13, 14 and 18-24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 1 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Le in view of Lee.

Le '928 discloses a housing (40) comprising two USB sockets (58, 60) stacked one above the other within a housing (40) for connection to a motherboard (26) of a computer. The connector pins (64) for the upper socket (58) pass through bottom surface (52) within the footprint of housing (40); and the connector pins (68) for the

lower socket (60) pass through lower surface (52) within the footprint of housing (40) but parallel to and spaced from connector pins (64). Legs (70) are provided for mechanical connection to the motherboard (26); and an EMF shield (72, 74) is provided over the housing (40) with grounding fingers (76) for electrical contact to the computer chassis. Mounting clips (78) are provided.

Lee '484 discloses a cable connector for a communication network in office partitions. The cable connectors (5,10) are connected to each end of a cable (2). The first connection (10) has a plurality of pins (11) in arrays that may be adjusted relative to corresponding holes (6) in the second connector (5) of an adjacent cable. Fasteners (8) are used to secure them.

Applicants first disagree that Le '928 discloses much of relevance. The examiner has in effect, recited the applicants' claim and added the reference numerals from Le. That is not correct. One must consider what is disclosed by Le, and what is not disclosed. With Le, the two sockets are both USB sockets and are thus of the same interface. It is also for connecting the two USB sockets to a motherboard of a computer. The motherboard/computer does not have to determine which interface is to be used as they are the same.

Lee is also silent as to different interfaces.

Ito '344 discloses a plug body (111) with a jack (112) for headphones (101) and a data communication plug (113) for use with a mini-disk reader/writer (1). A similar plug body (211) has a jack (212) and a data communication plug (213) for connecting a DAT player (200) to the mini-disk reader/writer (1) for enabling audio

dubbing. The mini-disk reader/writer is capable of full, operative connection with the jack (112, 122) and the data communication plug (213) at the same time.

The table below lists the US and International classes of the four references relied upon by the examiner. Although all one in class 439, that covers all terms of connectors. Within that overall classification, they are in vastly different classes indicating vastly different purposes and uses. None of the documents refer to each other.

Table

	US	INT
Le '928	439/541-5	HO1R 13/648
Lee '484	439/640	HO1R 25/00
Lin '278	439/502	HO1R 11/00
Ito '344	439/218	HO1R 27/00

When determining whether or not a combination of prior art documents is permitted one must consider the evidence available.

The essential factual evidence on the issue of obviousness in the patent examination process centers on the prior art and the analysis thereof. When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence

of obviousness. A showing of a suggestion, teaching, or motivation to combine the prior art references is an essential component of an obviousness holding. The best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. The Examiner must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious. The Examiner can satisfy the burden of showing obviousness of the combination "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.

This factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." Thus the Examiner must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion. Common knowledge and common sense are not a substitute for evidence. But they may be applied to analysis of the evidence. Objective analysis, proper authority, and reasoned findings can not be omitted. Reference to common knowledge "does not in and of itself make it so" absent evidence of such knowledge.

The patent examination procedure serves both to find, and to place on the official record, that which has been considered with respect to patentability. The patent examiner is deemed to have experience in the field of the invention. However, this experience, insofar as applied to the determination of patentability, must be applied from the viewpoint of "the person having ordinary skill in the art of which said subject matter pertains". In finding the relevant facts, in assessing the significance of the prior art, and in making the ultimate determination of the issue of obviousness, the examiner is presumed to act from this viewpoint. Thus when relying on what is asserted to be general knowledge to negate patentability, that knowledge must be articulated and placed on the record. The failure to do so is not consistent with either effective administrative procedure or effective judicial review. (61 USPQ2D 1430 In re Lee)

None of the citations individually or in any combination disclose the features now claimed in claims 1, 15 and 18.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Le in view of Lee.

35 U.S.C. § 102 Rejections

The Examiner has rejected claims 1-3, and 10-17 under 35 U.S.C. § 102 as being anticipated by Lin.

Lin '278 discloses a cable (160) with a plurality of identical USB or IEEE 1394

connectors (110, 120, 130) at one end of a cable (160). The ground terminals (118, 128, 138) are combined in the cable (160), as are the power terminals (112, 122, 132), so that the required power beyond that normally able to be supplied is able to be supplied to an external peripheral (20).

Lin '278 does not disclose an adapter with the features as presently claimed. The adaptor 102 highlighted by the examiner is merely a signal transmission cable. Nothing more.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1-3, and 10-17 under 35 U.S.C. § 102 as being anticipated by Lin.

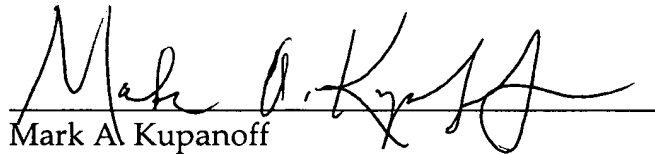
Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Mark A. Kupanoff at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: May 26, 2005

A handwritten signature in black ink, appearing to read 'Mark A. Kupanoff', is written over a horizontal line.

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